

APPEAL NO. 040986
FILED JUNE 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 5, 2004. The hearing officer determined that the appellant's (claimant) _____, compensable injury includes an injury to her head, cervical spine, and right shoulder; that the compensable injury does not include an injury to the claimant's thoracic spine, lumbar spine or either upper extremity; and that the claimant had disability from October 4 through October 8, 2003, and from October 28, 2003, through the date of the hearing. The claimant appeals the adverse extent-of-injury determination and the disability determination. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

Although the claimant requests reversal of the hearing officer's disability determination, the period of disability found by the hearing officer was the same period requested by the claimant at the hearing. Therefore, the disability determination is not adverse to the claimant. Extent of injury was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TWIN CITY FIRE INSURANCE** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Edward Vilano
Appeals Judge